

**ARIZONA STATE PARKS BOARD
1616 W. ADAMS STREET
PHOENIX, AZ
SEPTEMBER 15, 2005
MINUTES**

Board Members Present:

Elizabeth Stewart, Chairman (arrived 9:26 a.m.)
William Porter
William Cordasco
William Scalzo
John Hays
Mark Winkleman

Board Members Absent:

Janice Chilton

Staff Present:

Kenneth E. Travous, Executive Director
Jay Ream, Assistant Director, Parks
Jay Ziemann, Assistant Director, External Affairs and Partnerships
Mark Siegwarth, Assistant Director, Administration
Cristie Statler, Executive Consultant
Debi Busser, Executive Secretary
Dan Shein, Chief, Resources Management
Doris Pulsifer, Chief, Grants
Robert Baldwin, Grants Coordinator
Rick Obenshain, Grants Coordinator
Pat Dutrack, Grants Coordinator
Vivia Strang, Grants Coordinator

Attorney General's Office

Joy Hernbrode

A. CALL TO ORDER - ROLL CALL

Vice Chairman Porter called the meeting to order at 9:14 a.m. Roll Call indicated a quorum was present.

B. INTRODUCTIONS OF BOARD MEMBERS AND AGENCY STAFF

Parks Board members and Arizona State Parks Staff introduced themselves.

- C. CONSENT AGENDA** - The following items of a noncontroversial nature have been grouped together for a single vote without Board discussion. The Consent Agenda is a timesaving device and Board members received documentation on these items for their review prior to the open meeting. Any Board member may remove any item from the Consent Agenda for discussion and a separate vote at this meeting as deemed necessary. The public may view the documentation relating to the Consent Agenda at the Board's office, 1300 W. Washington, Suite 104, Phoenix, Arizona.

1. **Approve Minutes of July 20, 2005 State Parks Board Meeting**
2. **Approve Minutes of July 21, 2005 State Parks Board Meeting**
3. **Consider Extending the Project End Date for Land and Water Conservation Fund (LWCF) Project #04-00704 – Picacho Peak State Park Restroom/Shower Building** – Staff recommends extending the project end date by 12 months to November 1, 2006 for LWCF Project #04-00704 – Picacho Peak State Park Restroom/Shower Building. AORCC unanimously concurred with this recommendation at their August 11, 2005 meeting.
4. **Consider Extending the Project End Date for Local, Regional and State Parks (LRSP) Project #650111 – CAP Basin Sports Complex Development** – Staff recommends extending the project end date by 12 months to November 1, 2006 for LRSP Project 650111 – CAP Basin Sports Complex Development. AORCC unanimously concurred with this recommendation at their August 11, 2005 meeting.
5. **Consider Extending the Project End Date for Land and Water Conservation Fund (LWCF) Project #04-00700 – Riverfront Gateway Park** – Staff recommends extending the project end date by 12 months to November 1, 2006 for LWCF Project #04-00700 – Riverfront Gateway Park. AORCC unanimously concurred with this recommendation at their June 9, 2005 meeting.
6. **Consider Extending the Project End Date for the City of Yuma State Lake Improvement Fund Project #780111, Gateway Park Heritage Crossing** – Staff recommends extending the project end date by 12 months to January 15, 2007 for the State Lake Improvement Fund Project #780111, Gateway Park Heritage Crossing. AORCC unanimously concurred with the staff recommendation at their June 9, 2005 meeting.
7. **Consider Approving the FY 2006 Trails Heritage Fund Grant Application Manual** – Staff recommends approving the FY 2006 Trails Heritage Fund Grant Application Manual. AORCC unanimously concurred with the staff recommendation at their August 11, 2005 meeting.
8. **Consider Approving the FY 2006 Recreational Trails Program (Motorized Portion) Grant Application Manual** – Staff recommends approving the FY 2006 Recreational Trails Program (Motorized Portion) Grant Application Manual. OHVAG unanimously concurred with the staff recommendation at their July 18, 2005 meeting.
9. **Funding OHV Education Projects** – Staff recommends that \$114,375 be allocated from the FY 2005 Off-Highway Vehicle Recreation Fund to replace RTP funds awarded to the Bureau of Land Management – Arizona State Office for the education scope of RTP Project #470301, AZ OHV Multi-Agency Coordinated Project. OHVAG unanimously concurred with the staff recommendation at their July 18, 2005 meeting.

Mr. Cordasco made a motion to accept the Consent Agenda. Mr. Winkleman seconded the motion. The motion carried unanimously.

Vice Chairman Porter then moved to Agenda Item F.1.

F. DISCUSSION ITEMS

1. Initiative for Managing State Trust Land

Mr. Dan Shein, Chief, Resources Management, thanked staff who assisted in creating the presentation he was preparing to offer the Board – Ms. Liz Krug (Researching and Marketing), Robert Sekjora (Hydrologist), Ray Warriner (Property and Land Acquisition Manager), and Charles Eatherly (Executive Consultant – Acquisitions and Land Management). He stated that he would give a short presentation on the ballot proposition that was filed with the Secretary of State entitled Conserving Arizona's Future.

Mr. Shein reported that the purpose of the ballot proposition is to permit the state to manage state trust land in ways that promote well-planned growth, conservation, and sound stewardship, addressing issues that were not of concern at the time of statehood.

Mr. Shein reported that there are three categories of land included in the ballot proposition: Educational Reserve (a small amount of land that is conveyed to the Board of Regents – Centennial Forest and Santa Rita Experimental Range); Permanent Reserve (permanently restricted; can be transferred with the approval of the Board of Trustees that is set up in the initiative to account whether the land is leased for grazing or to a city, town, or county when the General Plan covers those lands or to a state agency where it is adjacent to an existing state park or wildlife area and not otherwise leased for grazing); and Provisional Reserve (restricted during the reserve period which begins on the effective date when the measure is passed and certified by the Secretary of State and continues on from each parcel – a minimum period of five years; cannot be established until the land is planned or located in the jurisdiction of a city or town). Arizona State Parks (ASP) will be the recipient of some Permanent Reserve lands in the initiative.

Mr. Shein reported that the initiative lists 59 properties. A variety of state parks are affected – approximately 1/4 of the system. Those parks affected include: Catalina, Homolovi, Kartchner Caverns, Lake Havasu, Lyman Lake, Oracle, Patagonia, and Picacho Peak, and Spur Cross Ranch (a related area) are Permanent and Provisional Reserve.

Mr. Shein referred to slides that detailed the land that would be available under the initiative. He noted that at Catalina the lands to the east of Oracle Highway are Provisional Reserve lands. The lands that would be available for Homolovi are Provisional Reserve. The lands that would be available for Kartchner Caverns State Park (KCSP) are three to the west, one to the south (where one of the wells for the cave is located), and some to the north and are classified as Permanent Reserve. For Lake Havasu, there is a piece near Section 23 just north of Contact Point consisting of about 100 acres (BLM inholdings). The lands that would be available for Lyman Lake State Park are to the south, east of the highway and are Provisional Reserve. There are a

couple of pieces available for Oracle State Park, one of which is the entrance to the park and another piece at the northern end of the park. The land available for Patagonia Lake State Park is an area around the lake that provides connectivity to Sonoita Creek (approximately 3,000 acres) and is classified as Permanent Reserve. The land that would be available for Picacho Peak State Park would be an area in the middle to the left of Picacho (where the peak is). Spur Cross Ranch is a Conservation Easement that ASP holds and includes Provisional and Permanent Reserves.

Mr. Shein reported that the due date for signatures to be filed with the Secretary of State is July 6, 2006; the minimum number of signatures required is 184,000. When a ballot initiative is being run, it is wise to collect about 20% more in order to ensure enough signatures should some be determined invalid.

Mr. Winkleman noted that he spoke with a member of the education group that put that initiative together a week ago and was informed that they have about 10% of the 250,000 signatures they are trying to gather. They have approximately 25,000 signatures and have not yet begun paying people to gather signatures.

D. BOARD ACTION ITEMS

1. Summary of Staff Funding Recommendations for Competitive Grant Programs

Chairman Stewart arrived at the meeting at this point and took the gavel.

Mr. Ziemann reported that Ms. Pulsifer, Chief of Grants, would take the Board through the grant awards.

Ms. Pulsifer presented an overview of the grant process and recommendations. She introduced the Grants staff: Robert Baldwin, Recreational Trails Coordinator (Motorized and Non-Motorized Trails Grants programs and temporarily handled the SLIF Grant Program); Rick Obenshain, State Lake Improvement Fund and Law Enforcement and Boating Safety Program (joined staff on August 1); Pat Dutrack, Coordinator for the Local, Regional and State Parks portion of the Heritage Fund and the federal Land and Water Conservation Fund program; and Vivia Strang, Historic Preservation Grant Coordinator.

Ms. Pulsifer thanked the Grants staff for their hard work and efforts this year. This is a hard-working, dedicated team who truly believe in the Mission of the agency and have a lot of passion for their programs.

Ms. Pulsifer referred to the Summary of Grant programs on page 186 of the Board packet. She noted that the Staff Recommendations follow the agency's Strategic Plan that includes targets for funding High Priority Projects that were approved by the Arizona State Parks Board. High Priority Projects are defined as projects that score at least 80 out of 100 possible points in the rating criteria.

Ms. Pulsifer provided an overview of the process. The new cycle will begin after this meeting adjourns. This cycle has not really ended for staff. Following today's meeting staff will begin preparing the Participant Agreements, executing those agreements, and entering the information into the database. The regular grant cycle begins in October. Beginning this year, there are two cycles for the Historic Preservation Grant program.

That program will go through two full cycles in one year. The second cycle for the Historic Preservation has a deadline for submittal of applications of December 2005. Beginning in October, for the regular grant cycles, staff will finalize the grant manuals and include any changes to the rating criteria, policies, and any other changes to make the manual clearer and easier for the applicants. Workshops begin in October and run through December. Applicants will be provided with instructions on completing their applications; requirements and eligibility will be explained. Grants staff are very accommodating; they work closely with the applicants to assist them with any questions and provide any guidance needed throughout the application process. They also encourage the applicants to submit their applications early so staff can review them and ensure that all the information and required forms are completed.

Ms. Pulsifer explained that, depending on the program, all applications are due during February and March. Staff review each application during April and May to ensure that the eligibility requirements have been satisfied and ensure that all the budgets are in order. Staff conduct site visits during April and May. Staff present the summaries of the grant applications received to the appropriate advisory committee in June and July. The applicants are invited to attend those meetings. While all of this is going on, the Grants staff are also dealing with regular advisory committees. There is no downtime for the Grants staff.

Ms. Pulsifer discussed the review process. She noted that a team is formed to review the applications for each grant program. Each team is formed separately with different individuals for each team and work independently from each other. Each team initially meets as a group to review and discuss the grant rating criteria for the program they are rating. This is done to ensure that the applications are rated consistently and so everyone is on the same page as to what they are to look for in those applications. Each team member then takes his/her set of applications home, reviews each application independently, and at a later date the team reconvenes as a group and discuss and review the results of the scoring of their applications. The applications are rated as a consensus decision. The consensus decision is based on how the applicants respond to the grant criteria and on the submittal of appropriate and relative support documentation.

Ms. Pulsifer stated that the next step is for staff to present the grant recommendations to each of the advisory committees based on the results of the grant rating team, the funding that is available for each program, and the Strategic Plan. The Strategic Plan provides that a certain percentage of the scores must be considered High Priority (receiving a score of at least 80 out of 100 possible points).

- a. **Consider Staff Recommendations for Funding FY 2005 Local, Regional and State Parks Heritage Fund (LRSP) and FFY 2005 Land and Water Conservation Fund (LWCF) Grant Projects.** Staff recommends awarding \$4,780,569 to the first 10 projects as listed on the summary sheet. The Arizona Outdoor Recreation Coordinating Commission (AORCC) unanimously concurred with this recommendation at their August 11, 2005 meeting.

Ms. Pulsifer reported that there was a total of 29 applicants requesting \$12,599,432 for the LRSP grant program. The total available for these competitive grants was \$4,803,011. The policy states that no entity may receive more than 20% of the available money in any one fiscal year. That policy limited the entities to a maximum of \$960,602. No projects exceeded that cap. She referred the Board to the list of recommendations on page 189 of the Board packet.

Mr. Porter questioned the Gilbert Water Tower Park Development. He noted that that is the only project that is not receiving what was requested. He asked why their award was reduced by about \$18,000.

Ms. Dutrack responded that the Design and Engineering was more than 10% of the grant award.

Chairman Stewart noted that sometimes the items are not eligible in terms of the scope.

Board Action

Mr. Scalzo: I move that the 10 highest-rated FY 2005 LRSP/FFY 2005 LWCF grant projects be approved for funding in the manner described by staff at \$4,780,569 and that the Executive Director or his designee is authorized to sign Participant Agreements.

Mr. Porter seconded the motion.

Mr. Scalzo stated he was glad to see the Board is spending all the money. He hates to see money left on the table. It's too bad there isn't more. There are some great projects with extremely high scores that the Board can't fund.

The motion carried unanimously.

- b. Consider Staff Recommendations for Funding FY 2005 Historic Preservation Heritage Fund Grant Projects.** Staff recommends awarding \$661,073 to the 13 highest-rated grant projects listed on the summary list. At their August 8, 2005 meeting, the Historic Preservation Advisory Committee (HPAC) voted to approve the staff recommendation. HPAC further moved to approve the set-aside funding to Arizona State Parks Development for \$150,000 and to the State Historic Preservation Office for \$100,000.

Ms. Pulsifer reported that total available revenue for the first cycle (2/3 of the available money in the amount of \$1,710,707) is \$1,140,471. She referred the Board to the recommendations for funding on page 260 of the Board packet. She reported that staff recommends that the Board fund down to, and including, the Douglas Arts & Humanities Association. She noted that 4 projects scored 80 points or above. The Strategic Plan line came down to the top 6 projects because the 6th project tied with the next two projects, the line was dropped to include the top 8 projects. A lot of money was going to be left over, and a lot of good projects scored well. Therefore, staff recommend that the Board fund all those projects that scored 70 or above.

Board Action

Mr. Porter: I move that the 13 highest scoring FY 2005 Historic Preservation Heritage Fund competitive grant projects be approved for funding of \$661,073 and that the \$150,000 for the State Parks Development set aside and the \$100,000 for the SHPO set aside also be approved for funding.

Mr. Scalzo seconded the motion.

Chairman Stewart stated that it occurred to her that the set-aside for Yuma Crossing is an item that is particularly suited for an ADOT grant under the T21 funds. They are very willing to fund projects on transportation museums, exhibits, etc. She hoped that staff would explore applying for that grant so that, in the event the agency can get those funds for that project, these funds would be available for one of the agency's other historic parks in need. There are others that could use the funds as well. She isn't saying that Yuma Crossing shouldn't be earmarked, but staff should look to see whether or not it is eligible for those federal funds.

Mr. Porter referred to page 251 of the Board packet. He noted that the Site Steward Program requested \$23,000 but were being considered for only \$17,000. All of the other projects are receiving full funding from what they requested with the exception of the Archaeology Month and Expo who requested \$25,000 and are receiving \$20,000. He personally feels that, of all the projects listed, the Site Steward program is one of the best and most important. He asked why that program took a cut.

Mr. Ziemann responded that staff feel the same way about the Site Steward Program. There are opportunities for the Site Steward Program to work with other entities, including the ASP Foundation, to recoup some of these funds and make their budget whole. In the past some federal agencies have contributed to this program as well.

Chairman Stewart stated that, of all of the programs, the Site Steward Program and the perhaps the Historic Preservation Conference, reach out to more people in the state and pay more people so that they are able to do the job that otherwise governmental entities would need to do to protect some of our treasures.

Mr. Scalzo noted that there is again some money left on the table. There seems to be several projects with decent scores. He asked why staff are not recommending awarding more of that money.

Chairman Stewart noted that Mr. Scalzo was not on the Board when the decision was made to have two cycles.

Mr. Scalzo noted that there is approximately \$100,000 left under this first cycle.

Ms. Pulsifer noted that that extra money will be carried over to the second cycle.

Chairman Stewart noted that Mr. Vic Linoff, Chairman of the Historic Preservation Advisory Committee (HPAC) was present and invited him to address this issue because the committee spent a lot of time on this recommendation.

Mr. Vic Linoff, Chairman, HPAC, addressed the Board. He stated that, with regard to the question of the carryover, HPAC is trying to raise the standard with this new biannual cycle. It is not to make them more difficult, but rather to have them express

their need in the best way possible. Because of the fact that they are in the biannual cycle, he is comfortable in carrying this money over to the second cycle. The idea is not to bank that money but rather to invest it. He is comfortable in carrying that money over to the next cycle in order to help raise that standard. He believes that by the end of the year they will have awarded all of the money that is available.

Mr. Linoff stated that he respects the Board's busy schedule. He wanted to update the Board on where the committee has been. He came before the Board in November 2003 to first propose this revision to HPAC's grant manual to a biannual cycle. The Board was gracious enough to encourage the committee to move forward. He came before the Board in July 2004 in Flagstaff and reported on the accomplishments and recommendations for changes to the manual and the implementation of that biannual grant cycle. The Board approved that recommendation. Because the committee is entering new territory, he promised to keep the Board updated on their movement in this direction.

Mr. Linoff stated he was pleased to relate that the completion of the first grant cycle, the recommendations that the Board is acting on today, was completed timely and there didn't appear to be any undue burden on either the Grants or the SHPO staffs. There are several encouraging results from this first attempt. One success was making the workshop attendance mandatory. It has had a positive effect, in his view. Overall scores were higher than previously; 65% of the 20 eligible grant requests scored above the Strategic Plan goal. For the first time in the history of this program, one application actually scored a full value of 100 points. Two applicants were close behind at 97 and 93, respectively. That indicates to him that the grant manual was more readable and applicants better understand what they are being asked to provide. It also demonstrates why the workshops were so important to achieving better quality applications. On the other hand, they had one score of only 39, which is troubling and indicates that they have a ways to go in terms of more effectively communicating what they need to do. He would like to see all of the scores up much higher.

Mr. Linoff stated he is also pleased to report that the strategy to reserve 2/3 of the available Heritage Fund grants for the first cycle and 1/3 for the second was right on target, at least in terms of grant applications. Assuming that they do have the full funding of \$1.7 million less the set-sides, a little more than \$1.1 million is available for the first cycle. Following HPAC's and staff's recommendations for first cycle funding, there will be an additional carryover this time to the second cycle of approximately \$480,000. The total for the second round, then, will be just over \$1 million.

Mr. Linoff reported that HPAC and staff will carefully review any specific issues regarding the grant manual language or format to see what needs to be tweaked or improved at their October meeting. By that time they should have the comments they solicited from the applicants. Those comments are meaningful because the applicants are the ones who actually had to complete these forms. They will also look at any improvements that can be made for the second cycle and for next year. The Board's recommendations to make the workshop process as accessible as possible, as informative, and as painless as possible will be taken to heart. Now that they have the new manual and biannual cycle established, it gives a little more time to concentrate on

the workshop. In addition to live presentations, he would like to have an inexpensive DVD version that could be mailed out on request to anyone anywhere in the state and that could be placed in libraries and other venues to enjoy as wide a distribution as possible. He hopes to address this issue at their October meeting.

Mr. Linoff stated that this has been a long and difficult exercise that was full of challenges. It's been a valuable experience for which he is grateful to have been a part of. He acknowledged Ms. Pulsifer, who stepped in behind Ms. Sue Hilderbrand, without missing a step. Ms. Pulsifer has enthusiastically embraced HPAC's efforts and contributed significantly and substantially to integrate HPAC's efforts into the overall Grants system. He also recognized Ms. Strang, who has stepped into the position of Historic Preservation Grant Coordinator with an incredible depth of knowledge and understanding that enabled her to really help HPAC move this new program forward. He also thanked the Parks Board for their ongoing support and encouragement in making these updates. It really is what has made their work possible.

Mr. Linoff stated that HPAC recognizes that this is not a static process; it is something that continues to evolve and change by continuing to be responsive to new issues and concerns to make the program as effective, efficient, and as excellent as possible. HPAC will continue to provide the Board with updates and look forward to the Board's advice.

Chairman Stewart stated the Board's appreciation for the efforts he and the committee have made to improve this process. The Board was very impressed when he reported last year. She believes that the quality of the applications bears out that the committee's long efforts over the past couple of years have borne some good fruit.

Mr. Porter noted, as explanation, stated that a year ago he felt exactly as Mr. Scalzo does in that he would have noted that there are other potentially good projects that could be funded. That is one specific reason for going to the double cycle. He is now comfortable when HPAC says the funding should be cut off at the 70 level. It's a credit to them. He is not going to question them because he now has a high comfort zone with the changes they've made. He believes they have taken into account everything the Board threw at them and considered the Board's suggestions as to what they thought the priorities ought to be. He is very comfortable with the recommendation and congratulates the committee. He believes they are on the right track and that it does have to be a constant living thing with some flexibility.

Mr. Linoff noted that there will always be small issues. HPAC knew that at one point they would have to say this is the best they could do and move forward.

Chairman Stewart suggested HPAC look at raising the \$100,000 limit due to inflation. That's not a lot of money for a lot of work today. These are non-profit groups. It may be necessary to fund less but be more efficient if people don't have to break up their projects into small pieces and keep returning to the Board for those pieces.

Mr. Linoff responded that he was content to leave it at that amount for this cycle until the committee knew how many applications would come in and what the level of requests would be. As the program matures with this biannual cycle, this is something they can look at.

Chairman Stewart thanked Mr. Linoff for taking the time to visit with the Board again this year. She asked staff if they had anything further to discuss as to whether the Board should accept HPAC's recommendation or expand the funding.

Ms. Pulsifer responded that she believed Mr. Linoff gave the appropriate advice. Staff are working with those applicants who were not recommended for funding to resubmit in the second cycle. That seems to have been very well received. They don't have to wait a full year to re-apply.

Chairman Stewart asked if this new process created any undue burden on staff.

Ms. Pulsifer responded that at this point it has been a regular cycle because it is the first part. It will certainly create more work for staff. However, it's all about time management and organization. She believes that so far it is working. Staff won't have a good feel for it until they have gone through the full cycle.

Chairman Stewart called for a vote on the motion on the floor. The motion carried unanimously.

- c. **Consider Funding FY 2005 Trails Heritage Fund Grant Projects.** Staff recommends awarding \$823,952 to the 7 eligible projects on the summary list. AORCC unanimously concurred with the staff recommendation at their August 11, 2005 meeting.

Ms. Pulsifer reported that the Trails Heritage Fund grant program received a total of 7 applications requesting a total of \$827,073. The total funds available for this grant program is \$884,397. Staff recommends funding the 7 recommended projects, leaving an uncommitted balance of \$60,445.

Mr. Porter referred to page 303 of the Board packet. He noted that 2 of those 7 scored significantly lower, dropping from 82 (Scottsdale) to 64. He questioned why staff are recommending funding for those 2 projects.

Ms. Pulsifer responded that the applications are rated according to how they respond to the rating criteria and that they provide all appropriate documentation. That is where a lot of these scores drop. They may have a good and appropriate answer, but they may not have the appropriate support documentation.

Chairman Stewart noted that the Board received the sheets last year that showed the scoring. It is helpful to have that information. She understands that there was concern about the number of pages, but it helps in terms of the Board members having a sense of why things scored the way they did. She did request them and had them sent to her.

Mr. Porter noted that these are significant projects; one is the second largest. It is a lot of money for projects that scored that low for whatever reasons.

Chairman Stewart noted that the Board has a policy that says 50% have to score 80 points or above. There isn't anything that provides for a minimum score.

Mr. Baldwin responded that the Flagstaff project is strictly signage. There is no trailhead being developed and no trails being built. It really doesn't score as well as a full rounded project that includes building trails, eliminating trails, or some of the other

criteria that staff look for and give credit for. Next year's criteria is changed so that this type of project will score better because it is based on an identified need. Not all projects will have to meet all of the needs as long as there's been a majority of the money at one of the primary identified uses. The projects should all score well in points.

Mr. Porter questioned the Maricopa County Waterfall Trail project.

Mr. Baldwin responded that the first three items in the criteria include planning projects. Those three categories consist of 45 possible points. This project scored 28 out of those 45 points. Some of that is because they are not providing sufficient documentation for that planning process. Sometimes that information is difficult to get (i.e., minutes of meetings). The Flagstaff project scored 32 of the 45 possible points because of its limited scope. Staff have seen great projects that don't score well because the application is incomplete or don't specifically address the priorities established for that program.

Mr. Ziemann added that if the Board is going to prioritize development of new trails for a year or two and this project happens to be for signage, it might be a great project for putting up signs on an existing trail but it doesn't create new trails. It will not score as high. It might be a very valid project; it might be a great project; it might have a lot of public support. Because the priorities might be different, it may not score as well.

Mr. Scalzo stated that a more serious problem is the lack of grant applications. There isn't much money available. There are very few departments or agencies that have trained trails crews to develop them and have a volunteer program. Many of the people who do this work are not necessarily trained in grants writing, but they are extremely good at trail work. It is almost like dealing with the Forest Service. Frequently they will submit projects that don't always score very high but the projects, in reality, serve many people. It is a difficult process. He does believe that some of the adjustments that Mr. Baldwin discussed will be valuable in scoring the projects next year.

Chairman Stewart stated that, as time goes on, the Board re-evaluates its priorities and takes a look at who is actually applying for grants and whether the needs of the communities are being met. She believes it is an ongoing process. She always questioned why a grant needs to include lots of different things being done with the grant money in order to score high. Signage is very important; acquiring land is important – all of these things are important. If we are going to end up with a good product in the end with something that's needed in the community, perhaps there isn't a need to require as many things. These grants are not that large. It's like the HPAC grants where we may be expecting too much for what is being offered.

Mr. Baldwin responded that this is exactly what is being done with the criteria for next year. Points will be awarded based on the percent of dollars spent on High Priority items. If signs are important and 100% of the money is being spent on signs it will score as well as trail building.

Board Action

Mr. Porter: I move that the seven (7) eligible projects under the Trails Heritage Fund grants be approved for funding at \$823,952, and that the Executive Director or his designee be authorized to execute the participant agreements.

Mr. Hays seconded the motion. Discussion ensued as to whether Mr. Scalzo should recuse himself from voting on approval of the funding for the Maricopa County project since he is the Director of Maricopa County Parks and Recreation. Because Mr. Scalzo would receive no financial benefit from the passage of this motion, it was determined that it is not a Conflict of Interest. The motion carried unanimously.

- d. **Consider Funding the FY 2005 Recreational Trails Program (Motorized Portion) Grant Projects.** Staff recommends awarding \$709,887 to the 2 highest-scoring applications. This recommendation is contingent upon all projects completing the Section 106 requirements and obtaining National Environment Policy Act (NEPA) concurrence from the Federal Highway Administration. The Off-Highway Vehicle Advisory Group (OHVAG) unanimously concurred with the staff recommendation on July 18, 2005.

Ms. Pulsifer reported that the total available is \$774,868. Staff anticipate receiving approximately \$423,000 for the FY 05 funds. Staff recommends funding the 4 highest rated projects that meet the Strategic Plan goal totaling \$952,580. The first two projects would be funded from the FY 04 money with the next 2 highest rated projects being funded once that additional money is made available.

Mr. Porter referred to page 318 of the Board packet. He questioned the statement that approximately \$500,000 will be available.

Chairman Stewart responded that those funds have not been awarded by the federal government. Staff don't know the exact amount but believe it will be about \$500,000.

Mr. Porter asked if that amount is included in the \$774,868 total available revenue figure.

Mr. Pulsifer responded negatively.

Mr. Porter noted that, once again, there is a huge gap in the scoring on these applications as well. The top 2 scored 98 points and then a drop of 30 to 68 points and then a smaller drop after that. He has the same question as before and asked for an explanation.

Mr. Baldwin responded that the explanation is basically the same as with the Trails funds. As Mr. Scalzo pointed out, these are both Forest Service grants put together by trail building personnel who are not skilled at grant writing. When they don't provide all the background information they can lose half of their 45 points in the area of planning. This has also been corrected in the new criteria. Staff believe that the information they will need to provide to document planning and public support for the projects will be much simpler. If we are at this point again next year, then staff will certainly need to evaluate why they are not able to respond to those issues.

Chairman Stewart stated she believed there is a parallel with the HPAC grants. The majority of those applying for those grants are not employed by governmental agencies; they are with non-profits; they are volunteers; they have other jobs. With the changes that have been made in the HPAC grant program and the requirement that applicants attend workshops, there has been a dramatic increase in scoring. She hopes that what is being done in Trails will not lower the bar but refocus things on what is important and ensure that people are given sufficient direction and support to provide the information.

Mr. Baldwin responded that attendance at the workshop will not be required. Staff always encourage anyone they know is applying to submit drafts of their applications. There are occasions where staff receive an application from someone who did not attend a workshop that doesn't answer the questions the way staff would like it to. Staff do everything they can to avoid those situations. Staff try to ensure applicants get the information they need. That is part of the reason the Strategic Plan was established.

Chairman Stewart responded that it appears that here it doesn't. The Board has said that a certain percentage has to meet a certain score. However, there is nothing about a minimum below which the Board will not fund. That may be something to look at for future cycles.

Mr. Travous noted that those kinds of policies work when there are a large number of applicants. It is a statistical anomaly that when there are a few applicants there will not be a range of scores that will be close to each other. There will be larger gaps in those scores. It also points to the fact that there are a lot fewer people doing motorized trails than there are people doing historic preservation.

Mr. Porter noted that if the Board follows the recommendation and fund those 4 projects, if the RTP funds come in at \$500,000 there would still be about \$300,000 uncommitted for carry over.

Board Action

Mr. Porter: I move that the Recreational Trails Program (Motorized Portion) funding be approved for the two highest scoring application sat \$709,887 and that \$242,693 be awarded from the uncommitted balance and the FY 2005 RTP funds to the next two highest scoring applications contingent upon all projects completing the Section 106 requirements and obtaining NEPA concurrence from the Federal Highway Administration, and that the Executive Director or his designee be authorized to execute the participant agreement.

Mr. Scalzo seconded the motion.

Mr. Scalzo noted that he met with the new Director of the Tonto National Forest. They talked about this issue of OHV and the issues he is facing. He would hate for the Board to not fund that project based on their 68 points knowing the kind of demands they get and how they are impacting all of the state. The same thing is true with the Munds Park project in Coconino County. There is a high demand for these things. Unfortunately, we don't have enough organizations with the staff of wherewithall

working on it. It's going to become more of a problem if people want to recreate that way and we don't provide the facilities. He is pleased the Board is moving on this.

Chairman Stewart asked if there is any concern that any of these projects will not move forward. We are talking about large amounts of money. She wants to be sure that for some that did not score well will not be a case of the Board putting a lot of money into something that doesn't come to fruition. She asked if the ability of the applicant to establish the program and stay in business is evaluated.

Mr. Baldwin responded that staff typically have concerns with all of the OHV projects because they always seem to run into obstacles. He finds it incredible that when they make these applications they certify matching funds and say they have the money to get started. Once we sign the Participant Agreement the funds are available to them. It's not NEPA issues because they are required to have that done before the agreement is signed.

Chairman Stewart stated that it's not so much whether they have the matching funds as whether they will be in business a year or two from now when the Board is putting that kind of money into it. She feels that's an issue for the Board to be concerned about. She asked whether any of the grant criteria deals with that issue and looks at the overall business plan and the likelihood of what is purchased with these funds being available to the public to use down the road.

Mr. Baldwin responded that, in response to the particular entity that is non-profit (Moto-Trax, Inc.), staff require the same information that is requested for the Historic Preservation projects. They have the same liability.

Chairman Stewart asked if the Board can and should be doing anything more when re-examining the grant criteria for the future. She believes this is an issue and these awards can typically be up to \$1 million. She believes the Board has some responsibility to look at those issues. She requested that staff look at this issue and report back in a few months whether there is anything that can or should be done to ensure continued solvency.

Mr. Porter stated he would be more interested in perhaps seeing the figures on how often they do have problems. He doesn't have a feel for it. If it is a problem then the Board does need to deal with it; if it's just an isolated incident, then there's no way to avoid occasional isolated incidences.

Mr. Baldwin responded that, typically, the motorized programs involve the Forest Service and BLM.

Chairman Stewart responded that she is not so concerned with the governmental entities; it's more of an issue with the private entities.

Mr. Baldwin noted that this is the first grant that will be awarded to a non-profit of this type. Staff are treading new ground and will certainly learn a lesson one way or the other.

Mr. Ziemann added that one of the problems that these parks are having is that where they are struggling is in the area of operating costs. That was the issue with Pima County. That was a governmental entity. The problem was on the operations side.

Chairman Stewart noted that if they don't have the operations funds, the amenity is still not available to the public.

Mr. Ziemann responded that when they (Pima County) made the application it appeared they had plenty of operating funds.

Mr. Baldwin added that Pima County is currently searching for a new concessionaire at that facility. He stated that staff are assured by this non-profit that they have the ability to seek funds at a lot of places that governmental agencies don't.

Chairman Stewart called for a vote on the motion on the floor. The motion carried unanimously.

- e. Consider Staff Recommendations for Funding FY 2005 State Lake Improvement Fund Grant Projects** – Staff recommends awarding \$1,853,079 to the 8 highest-rated projects on the attached summary list. AORCC unanimously concurred with the staff recommendation and further recommended that the two remaining projects be funded for all eligible scope items.

Ms. Pulsifer reported that a total of 10 applications were received requesting a total of \$2,444,333. The total amount available is \$4,629,970. Staff recommends funding of the 8 highest rated projects. AORCC voted to fund a total of 10 projects depending on what was eligible for funding. Staff have determined that the 9th project (Maricopa County Desert Outdoor Center Dock-Phase I) is not eligible. In reviewing the applications, the team looks at certain things and make decisions on what needs to be looked at in the application. In this application, staff did not see adequate demonstration of support for the use of this facility by the general public. AORCC did recommend all 10 projects. Staff discussed this project with the agency's attorney.

Chairman Stewart asked for more information on this issue. She asked if staff are concerned that the facility will not be available to the public or that there wasn't adequate documentation in the material submitted.

Ms. Pulsifer responded that the proposal states it will be used by the general public; however, the support documentation does not give any information as to how or when the public will use the dock. There is no evidence of public use.

Chairman Stewart asked if staff are saying that the required documentation was not supplied.

Mr. Porter asked for more information on the last project, Lake Havasu City London Bridge Beach Seawall-Phase I. It did not score very well; it only received 50 points. However, AORCC did recommend funding that project. He gets concerned when AORCC recommends funding a project and staff disagrees.

Ms. Pulsifer responded that, again, it goes back to what the Review Team is looking for. They do look for support documentation. It is not that there were any ineligible scope items in this application; it is just that there was a lack of support documentation and, therefore, it scored low.

Chairman Stewart noted that it scored just 4 points on Project Purpose out of a possible 20 points; only 3 out of 15 points on Public Involvement; 0 out of 15 on Statewide Needs; 0 points for New Use; 0 for Matching Funds.

Mr. Ziemann noted that staff invited the Chairman of AORCC to be present at this meeting to discuss the differences. He could not be here, but asked that Mr. Travous represent him as a member of AORCC.

Mr. Travous explained that there is a protocol with AORCC that if AORCC disagrees with staff they will have someone come to the Board meeting to represent AORCC's views. The Chairman requested that Mr. Travous do that for him because AORCC were all in agreement on this issue anyway.

Mr. Travous reported that there were two things. The first is that, even though AORCC recommended the lowest two projects, there was a caveat about the eligibility of the Maricopa County project because it wasn't clear then that the things they were asking for were eligible. AORCC felt that even the items that appeared eligible weren't with the original intent of what was in the application.

Chairman Stewart asked why, if AORCC had concerns about whether or not the items were eligible, did they recommend funding it.

Mr. Travous responded that AORCC recommended funding with the caveat that they thought it was an OK project, but they wanted to be sure it was an eligible project. They started off by asking for canoes, which has never been funded even though "watercraft" is there. Watercraft were included for funding so the counties could get watercraft without having to go to the Boating Law Enforcement Safety Fund. It just says "watercraft". From the strict legal standpoint the Board has the option of interpreting that "watercraft" is watercraft and canoes are OK. There was a floating dock that looked OK as well because people do use floating docks. The staff who looked into it further discovered that they were going to cordon that floating dock off so the public could not use it. It's an educational program and is not for general public use.

Chairman Stewart asked whether or not those items are eligible for funding.

Ms. Pulsifer responded that staff believe they are not eligible.

Mr. Travous stated that he believed that AORCC would be comfortable with it. H was one of the AORCC members who raised the issue.

Ms. Hernbrode added that when AORCC had the discussion, the question was whether those items themselves, if used for the general public, were eligible. Now, after staff further reviewed the application, it appears that those items are going to be used primarily for the benefit of a Boy Scout training program – not for a training program for the general public. There are two requirements in the statute. There can be boat

docking facilities that are public facilities. In looking at it a second time, staff have found some additional concerns other than those that were presented to AORCC.

Mr. Hays asked if these facilities would be used 365 days a year by Boy Scouts only or would they be available part-time for public use. He asked if it had to be 100% public use to receive funding.

Mr. Scalzo asked whether there are representatives from those two organizations present to address this issue.

Chairman Stewart responded that, at this point, the Board needs to know what the applications say so as to not base the Board's decision on information that wasn't submitted. The Board have other applicants in other programs that perhaps weren't allowed to bring in additional information.

Mr. Scalzo noted that these were the only applications that were received and they were all determined eligible.

Chairman Stewart noted that the Board has other programs.

Mr. Scalzo agreed but noted that they can't use SLIF funds.

Chairman Stewart responded that she's not talking about the SLIF funds; she is talking in general in terms of the Board's procedures. If the Board requires that something be submitted factually as its goal package, then she doesn't believe the Board should be looking at supplemental documentation. If they want to make an argument, that would be different. She doesn't believe the Board has reached the point where it is ready to argue. We're still trying to find out what facts are in the packet.

Mr. Obenshain reported that Maricopa County Parks and Recreation applied for the award for a floating boat dock and accessories. He read from their application. The Desert Outdoor Center at Lake Pleasant facility of Maricopa County Parks and Recreation Department proposes to develop aquatic educational amenities at Lake Pleasant for use by the Grand Canyon Council of the Boy Scouts of America and the general public. He stated that their intent is good; they say they want to serve the general public and the Boy Scouts. However, there is no supporting documentation in the application to support the public use by other than the Boy Scout Council. The only letter of support in the application is from the Boy Scouts.

Chairman Stewart asked if that letter of support indicates how the general public would use the facility.

Mr. Obenshain responded negatively. He believes that their intent was to serve the general public when the Boy Scouts are not using the facility. They have no documentation to support that belief. Staff cannot base their recommendation to fund a project on intent; they have to go with the documentation they have before them. The original question was whether the watercraft they wanted to buy with grant money is eligible. Staff consulted the grant manual, which is used to rate the projects. Under Eligible Projects, letter H, in the manual, Watercraft are defined as boats, trailers, motors, radios, lights, and basic first aid. There is a note below that that includes eligible boats in law enforcement and safety. There may be a misleading statement in

the manual. He believes the intent of watercraft for SLIF is for boating law enforcement but not for safety training. He believes Maricopa County conceded that issue. The remaining issue and the reason staff declared this project ineligible at this late date is the issue of public use. There is no documentation in their application to support public use other than by the Boy Scouts.

Chairman Stewart asked if there is also the issue that the boats would not be used for law enforcement as required in the manual.

Mr. Obenshain responded affirmatively and added that he believed that Maricopa County conceded that issue before staff declared the remainder of the project ineligible. The project as a whole is just not supported as use by the general public in staff's opinion.

Chairman Stewart asked if the Board had any questions regarding the Maricopa County application.

Mr. Hays asked what supporting documentation for public use consists of.

Mr. Obenshain responded that it could perhaps be that the Red Cross would teach lifesaving classes at that facility. That would be public use. Even something from Maricopa County stating that the public will be able to use these facilities.

Mr. Scalzo stated that approximately 20,000 people use that facility and are registered to enter it on an annual basis. He believes that the problem is that it was a newly-created experiment this year where things were borrowed to make it work. They wanted to continue it as a boating safety education and training facility. They bring out approximately 20,000 youngsters from 4th through about 7th or 8th grade. Part of the training is boat safety. This is a lake. They find that they have too many drowning accidents and problems because many people don't know the first thing about getting in a boat or boating safety. This was an experiment and it worked quite well with hundreds of young people. The idea was to go the next step. It may not have been presented clearly in this documentation. He considers boat safety a priority and is the reason they have law enforcement their county lakes. However, we don't do enough education in boat safety with young people and their families. This was a step in that direction – put a dock in, acquire non-motorized boats in order to train people in safety requirements. As far as numbers are concerned, it is a very public facility. It is gated for the children's protection because they bring numbers of children in from schools to this facility. The issue is public accessibility. The 20,000 people (minimum) is a fairly impressive number of people going to any public facility. They go to that location; they have always wanted water access. This creates water access for the state in a safe way. He doesn't want to be a defender of the proposal. He did not write it; his staff wrote it. If it's missing information, he is not criticizing what ASP staff are saying. He's just saying that, in the big picture, it is a fairly public and highly-used facility.

Mr. Hays responded that it sounds like an excellent idea. It's something he would want to participate in not even knowing how pick up an oar. Should this application be denied, he asked what the next step would be. He believes it's a program that should

be instituted and would like to see it happen. He asked how quickly this project could come back again for consideration.

Chairman Stewart stated that it is up to the Board to decide if there should be a second cycle. There have been additional cycles with other grant programs in the past.

Mr. Hays noted that the money is there. It's not a question of money; it's a question of lack of documentation from the public. He would hate to see the program delayed another year if something can be done about it.

Mr. Travous responded that staff did not mind if the Board wished to fund that project based on AORCC's recommendation.

Chairman Stewart stated she believes there is a legal issue and would like to hear from the agency's attorney as to what the legal implications are should the Board accept factual information to base its decision on that is not contained within the documentation and what those implications would have for the rest of the grant programs where people in other areas were denied and not given the opportunity to show up and present oral arguments as to how their projects will operate. It may be complicated. She asked if the Board has any potential legal exposure.

Ms. Hernbrode responded that, as always, she would prefer to give this legal advice in Executive Session. The Board is agendized so as to do that. It is a complicated issue.

Mr. Hays stated he believed that the Board should discuss it in Executive Session today. AORCC supports it. It is a very important issue.

Chairman Stewart noted that the Board doesn't know if it serves the general public or 20,000 Boy Scouts. She is still concerned about taking additional information not contained in the documentation until the Board receives legal advice.

Mr. Porter requested hearing about the Lake Havasu project before going into Executive Session on this issue.

Ms. Hernbrode suggested postponing this issue until later in this meeting. The Board may want to vote on the staff recommended grants and then vote on these last two projects later.

Board Action

Mr. Porter: I move that the eight (8) highest-rated projects be approved for funding at \$1,853,079, and that the Executive Director or his designee be authorized to execute the participant agreements.

Mr. Winkleman seconded the motion. The motion carried unanimously.

Chairman Stewart requested staff discuss the Lake Havasu project

Mr. Obenshain reported that the Lake Havasu City project is ranked lowest on the list. It is for a seawall on Bridge Water Channel. The channel is next to the state park. SLIF funded dredging this channel in 1996 and funded a seawall project on the opposite shore in 1998. There is an ongoing erosion problem in this channel. It is probably the most heavily-traveled waterway in the state. The bottom line is that the application is

poorly written and poorly documented. It is still eligible. It is up to the Board whether or not to fund this project. Staff is not recommending funding because it ranked so low. The highest-rated score was 95; this project rated 50 points. It is eligible.

Mr. Scalzo asked what the issues were and where they were weak.

Chairman Stewart noted that under Project Purpose they scored 4 out of 20 points, Comprehensive Planning scored 8 out of 10 points, Public Involvement scored 3 out of 15 points, County Boat Use Days scored 12 out of 15, Statewide Needs scored 0, Matching Funds scored 6 out of 8, Renovation Projects scored 10 out of 10, Expected Boating Use – New scored 0 out of 15, Study or Develop New Lake scored 0 out of 20, Matching Funds – New scored 0 out of 10, Administrative Performance scored 1 out of 4, Post Completion Compliance scored 4 out of 4, and Workshop Attendance scored 2 out of 2. They did attend; they just didn't benefit from the workshop.

Mr. Scalzo stated that it is difficult to document some of those things in boating. He can see that particular problem. He has been up there with the Mayor of Lake Havasu. AORCC toured that lake a few years ago. The demand on that lake is incredible. The erosion problem is visible. There are other ongoing issues. It is unfortunate that this application was not written as well as it could have been. It is a real issue. If they don't do something they will have more problems.

Mr. Porter noted that he raised that issue at the last Board meeting. He and the Executive Director were scheduled to go to Lake Havasu on Monday to meet with people up there. That meeting will probably be delayed as a result of the results of their recent election.

Mr. Travous noted that AORCC did rebuke that applicant at their meeting. AORCC members all know what is going on. The application was sloppy. It is unfortunate because at that part of the channel and the boating that takes place – it's not a matter of whether it will fill up on Saturday morning, it is whether it will be before or after 9:00 a.m.

Mr. Porter asked if there are any representatives present who could address these projects.

Chairman Stewart noted that there is a representative from Maricopa County who wished to speak on their project.

Mr. Hays noted that AORCC approved this project as well with no problems.

Chairman Stewart noted that at the AORCC meeting another grant applicant that scored higher did express concern about AORCC and the Board approving these applicants when they are inconsistent with the Board's policy and stated that it was a disincentive for them to do well. She asked for enlightenment on that.

Mr. Travous responded that it was an applicant who got funded. The applicant asked why the Board has the staff go through all of this and then make decisions other than what the staff recommends after going through this process. His response to that statement was that if it's just staff's recommendation then there is no need for the Board

or AORCC. That's why we have public groups. The technicians are not the ones making public decisions – it is people like the Board and AORCC.

Chairman Stewart noted that someone made a comment to Ms. Pulsifer that it was a disincentive to work hard to write a good application if the Board is going to ignore its criteria in its grant awards.

Mr. Rich Glinski, Maricopa County Parks and Recreation, addressed the Board. Mr. Glinski stated he is the Supervisor at the Desert Outdoor Center at Lake Pleasant. The purpose of his presence at this meeting is to persuade the Board to fund their boat dock. He conceded up front that the application was no doubt lacking; however, the need is not. It is a public facility that has an outdoor center. It is an education facility; not a recreational facility. They do have a lot to gain. Children in the general public use the facility.

Mr. Glinski stated that their application was heavy on the Boy Scouts because of the partnership they have with the Boy Scouts. There is a huge demand for boating safety classes and operation classes. They can't serve that function very well. The partnership with the Boy Scouts has been the catalyst to get them back onto the lake. They are open to the public. The application talked about the relationship with the Boy Scouts. The general public can come and utilize this boat dock for education. It has to be limited access in order to educate. They can't be open to the public 24x7 because if they have a class scheduled that the general public signs up for they need to ensure that dock is available for that class. They expect use will increase in time as word gets out that it's available for education on boating safety.

Mr. Glinski stated that they don't view this project any differently than perhaps a facility that the Board would fund such as a fuel facility on the water that cannot be open 24x7. It has limited hours of operation. He requested that the Board consider funding this project.

Mr. Cordasco requested more information on the partnership between the County and the Boy Scouts. He asked what the obligations are on either side for programs and oversight.

Mr. Glinski responded that it is really a team effort. The Boy Scouts needed a place for merit badge training. With the drought, Camp Geronimo has been relatively dry. For that reason they came to the County and asked for help. The County agreed to assist and are in the process of developing this facility.

Mr. Cordasco asked if other entities have the opportunity for the same or similar partnership or is it exclusive to the Boy Scouts.

Mr. Scalzo responded that it is wide open. This was the test case. The Boy Scouts had a need based on the water problems at some of the lakes in the state being at a low level. They were willing to come and assist by providing some of the canoes to get the project started. The County did not have the equipment; docks were brought in from other parts of the County's system to make this work. It was a good effort on all parts without a lot of revenue; it was moreso to create educational benefits. It received tremendous reviews. He spent time up there to see whether it was being done safely

and how young people benefited. It was particularly enlightening to see so many young people learning to boat safely. Canoes and kiaks are the kinds of recreational boating many people do in Arizona. Not everyone has power boats or jet skis. Many people go to the Grand Canyon and many state parks and fish in smaller boats – some without motors. He wishes sometimes we had fewer boats with motors because of the pollution and problems they cause. It is a public facility and will continue to be a public facility. It would open more opportunities not only for partnerships for others but for the Desert Outdoor Center's staff to perform the educational programs themselves. They will always welcome partnerships with organizations and groups. The Red Cross is another organization that is particularly interested in doing this.

Mr. Cordasco asked that staff review again their concerns with this project.

Chairman Stewart suggested that the Board needed legal advice in Executive Session to see whether there are any legal concerns the Board should be considering prior to making a decision.

Mr. Cordasco asked where the Chairman's concern is regarding the legal aspects.

Chairman Stewart responded that one issue is that the Board received today information that was not in the documentation. The question is whether the Board can accept information outside of the process when that opportunity has not been allowed to the other applicants who have been denied funding in other programs. The Board has not accepted post-submission from them. Counsel alluded to some issues in terms of public access. She wants to know if the Board has any legal problems before acting.

Mr. Porter noted that he has similar concerns and does want to hear from counsel in Executive Session.

Chairman Stewart noted that Mr. Jim Keane from Lake Havasu City was present and wished to speak.

Mr. Jim Kean, Lake Havasu City, addressed the Board. He presented a photograph of the channel from July 4, 2003. He noted there are 230 boats beached and 91 boats traveling through the channel. He pointed out the seawall that was done in 2000 and noted that it has helped tremendously in preventing erosion on that side. They would like to do the same on the island side of the channel. They applied for 1,000 feet and plan on doing another phase for the remainder of the channel in the future. They have serious issues with erosion in the channel.

Mr. Cordasco asked if Mr. Keane put the grant together.

Mr. Keane responded that he did. He agrees with staff that it was not done well. He was informed one week before the application was due that he was to write a grant request. He did not personally attend the workshop but has signed up for the upcoming workshop in October in anticipation of applying for Phase II or re-applying for Phase I.

Mr. Ziemann noted that the staff's recommendation comes down to the line based upon the similar number of scores above 80 points. Staff is not recommending either of these

two projects because they scored in the 50s; it's that there is a like number above 80 points with a like number below.

Chairman Stewart noted that staff are also concerned about whether or not there is public use based on the documentation.

Mr. Ziemann noted that, regarding the Maricopa County application, staff are concerned about eligibility; there is no concern of eligibility on the Lake Havasu City application.

Mr. Hays made a motion to enter Executive Session to receive legal advice. Mr. Scalzo seconded the motion. Chairman Stewart stated that the Executive Session would be to receive legal advice on the two SLIF projects being discussed. The motion carried unanimously. The Parks Board entered Executive Session at 11:05 a.m.

Chairman Stewart reconvened the meeting at 11:26 a.m.

Chairman Stewart stated that the Board has been in Executive Session and is now ready to decide the issue of the two remaining SLIF grant applications.

Mr. Hays stated that it appears to him that these are somewhat public safety issues and would certainly be of concern to the general public. One is to avoid drownings; boating safety is very important – extremely so in his opinion. The photograph from Lake Havasu City puts it well. He would hate to see a delay in either issue. He would be in favor of awarding the grants.

Chairman Stewart agreed that Mr. Hays makes a good point in terms of the need and value of the programs. Her concern is for the integrity of the grant program and whether the Board is setting a precedent. The Board would be violating its own policy of restoring as well as the policy that requires that the materials be submitted in writing by the deadline. She is concerned about that.

Mr. Hays stated his agreement and noted that it is very important to support staff's procedure on the Board rules and regulations on issues that don't necessarily concern public safety. He believes this is a big aspect of public safety and welfare. He asked Mr. Porter to speak to the safety issue on Lake Havasu.

Mr. Porter stated that that's the problem. He is very angry with both applicants. While he's not as familiar with the Maricopa County project, they are tremendously useful; they are tremendously important; the money is there. All they had to do was put together an adequate application and they probably would have breezed through. It irritates him that the Board is put in this position of having to make a choice between public safety issues and valuable, important projects because the people in charge couldn't take it upon themselves to effectively do what they should have done. He can't disagree with Mr. Hays. These projects are important.

Chairman Stewart noted that there is another option. The Board has had second grant cycles in the past. She suggested having another grant cycle for SLIF. There is money available. Even if the Board awarded these two applications, there would be excess money.

Mr. Hays asked what that would entail.

Chairman Stewart stated that staff would have to run a new cycle; they would have to announce it; they would have to hold the workshops again; they would have to accept applications. It takes about 4 ½ months or so. A special cycle was run a couple of years ago and it took about four months.

Mr. Obenshain noted that the next regular cycle for SLIF has a deadline of December 1 for submitting applications. The next workshop is October 5th in Lake Havasu and October 19th in the ASP Board Room in Phoenix. He does not know that another workshop can be held in between then and now.

Chairman Stewart questioned why it takes from October 5th until next September to award the money.

Mr. Travous noted that staff have 40+ new contracts. Every one of these awards requires Participation Agreements, contracts, as well as more than 300 other contracts that staff are scoping through right now from previous years. Staff try to keep them all in line in order to not drive those people crazy. As he informed AORCC, he is getting pushed because ASP has not had any capital money for three years. He told AORCC that if the Board follows their recommendation and funded both of these two projects, there would still be \$1 million left over and that he would come to AORCC to recommend that that money be given to ASP to work on Lake Havasu because of the pressure the agency is receiving from the people of Lake Havasu City. Before the Board decides to go to a second grant cycle, he wants them to understand he will be going to AORCC and requesting they release that excess money to ASP for use as capital money for Lake Havasu.

Mr. Cordasco stated that he is not comfortable with the Desert Center application given the way it was presented, and the way the money will be awarded to them. Unfortunately, one cannot say enough about the project. He believes that even with the representation on the Board from Maricopa County, he would hate to insinuate anything in the future regarding the Board's thoughts on these projects. The London Bridge Beach Seawall applicant had one week before the deadline to write the application. The sense of urgency regarding this project will fit into the next grant cycle. It may be another several months out in getting it built; however, in the overall picture it is probably in line with what was approved today.

Chairman Stewart asked if the Executive Director was saying that the money can be spent and that AORCC has the authority to recommend that it be spent.

Mr. Travous responded that AORCC can recommend that money be spent on projects already approved by JCCR. The agency has a large number of projects approved by the legislature that it hasn't had the money for in three years. He was anticipating more than \$1 million being left over. He informed AORCC, as a matter of procedure and protocol, that he would be coming back to them asking their concurrence on using that money for ASP projects, particularly in Lake Havasu.

Mr. Porter asked if, among those Lake Havasu projects, there would be a possibility that the seawall project could be included.

Mr. Travous responded that he could investigate whether it could be rolled into one.

Chairman Stewart suggested that would be contrary to the competitive grants process. She doesn't see how that could be done.

Mr. Porter noted that there is nothing the Executive Director is saying that suggests that in this next grant cycle money will not be there.

Chairman Stewart noted that there will be new money.

Mr. Porter noted that the Board has no reason to believe that there would not be money available for the next cycle.

Mr. Travous responded that staff are hopeful that the money for the next grant cycle will increase.

Chairman Stewart noted that from the comments made in the legislature that they are aware of the SLIF issue and a lot of them were in favor of that money being available.

Mr. Travous noted that Lake Havasu Windsor Beach is packed every weekend. That was one of the reasons for the meeting with Lake Havasu next week. That meeting has been postponed.

Chairman Stewart noted that the Board has approved the 8 highest-rated projects. Unless there is a motion relating to this issue, the Board will move on.

Mr. Hays stated that he feels strongly about delaying these two projects for another year. It would be almost next September before they could receive funding. The Board has made exceptions twice or more since he's been on the Board and they weren't for issue this pressing in the area of public safety as this. He believes one was for a cathedral and one for a school at Ft. Thomas.

Board Action

Mr. Hays: I move that the Board approve the Maricopa County Desert Outdoor Center Dock in the amount of \$128,454 and the Lake Havasu City London Bridge Beach Seawall-Phase I in the amount of \$450,000 and that the Executive Director or his designee be authorized to execute the participant agreements.

Mr. Winkleman seconded the motion. The motion carried with Mr. Winkleman, Mr. Scalzo, Mr. Hays, and Mr. Porter voting Aye and Mr. Cordasco and Chairman Stewart voting Nay.

Mr. Porter stated for the record that he wished to make it very clear that this was not the way he would have preferred to vote. He was persuaded that, in fact, there are public safety issues that are pressing and urgent enough that he felt compelled to join with the majority.

Chairman Stewart moved to Agenda Item E.6 on the Agenda.

E. EXECUTIVE STAFF UPDATES

6. PAMS Update

Mr. Ream introduced Mr. Brad McNeil, Computer Support.

Mr. McNeil issued an invitation to the Board to come to the Computer Support area (across the hall from this meeting) to see what staff have accomplished over the last 10 months on the PAMS project. Staff have performed a lot of work in trying to get a system established that will provide a delivery system for providing information. The first park to be worked on is Lost Dutchman State Park. Quite a bit of information on that park has been assembled.

Chairman Stewart noted that the remaining public was invited to attend this demonstration as well. She recessed the meeting at 11:44 a.m. in order for the Board and public to retire to the Computer Support area to view the PAMS demonstration.

Chairman Stewart reconvened the meeting at 12:40 p.m. She moved to Agenda Item F.2.

F. DISCUSSION ITEMS

2. State of the Cave Report – Dr. Toomey

Mr. Travous introduced Dr. Rickard S. Toomey, III. He reported that Dr. Toomey came to the organization at a time when the agency was under a lot of scrutiny from the press because of the cave being drier than many anticipated. Staff needed to find someone who had a good scientific background and found that person, who also had a great temperament for being in that position. Dr. Toomey was the best possible person to have on staff for this position. Staff did not expect to be able to keep him on staff very long just because he is, frankly, a rising star. He saw Dr. Toomey in Greece. He predicts that the Board will be reading about him 20-30 years from now where Dr. Toomey will be recognized not only nationally as he is now, but internationally as well for his understanding and what he does for the development of cave research and science.

Dr. Toomey noted that he is a professor at Western Kentucky University and is employed at Mammoth Cave National Park. He stated that he was happy to be with the Board today to discuss the state of the cave and make comments and recommendations based on his experience at KCSP.

Dr. Toomey stated that he would be expressing his personal opinions and not those of the agency nor the Parks Board. He wanted to make it clear that he really enjoyed the four years he was with ASP and felt good about working with the Board and staff. He left ASP for personal reasons. His current job is comparable to his position at ASP. He did not leave due to any difficulties within the agency or dissatisfaction with the direction of the agency. He remains an ardent supporter of ASP. He is working hard at trying to get the word out about the vacancy for his former position at ASP. This presentation will supplement the more complete written report that was distributed to the Board today.

Dr. Toomey referred to a graph relating to the lower Throne EMS Temperature and Humidity 1989-2005. It documents the temperature and humidity changes seen at KCSP. There has been noticeable significant warming from predevelopment

temperature of 68.5° to a temperature now running around 71°-72°. There has been drying from about 99.5% to relative humidities of about 97.5%. There is noticeable warming and drying. He noted that Arrigo Cienga, a physicist from Italy from the Frassasi Cave, visited KCSP and has reviewed some of this data. It was reported on in Greece. In reviewing some of the issues of the warming, data from other caves in the area, surface temperature data, and some well data they believe that much of the warming and drying being seen is related to regional climate changes and the drought. Other caves are also warming; other caves are also drying. The water tables (shallow aquifers) in that area are falling. They believe there is a large overprint of regional signal. They do know there is also signal from the tours. Patterns of change within the cave are being seen such that the more developed areas are showing greater amounts of warming and drying; the less developed areas are showing less warming and drying. That indicates that there is a contribution from the people being put in the cave and the lighting. The evidence suggests that regional signal is largely the factor for the warming and drying. The caveat is that the only way to only know that is if and when we get out of the current warm and dry cycle we can see whether the cave rebounds toward the cooler and wetter conditions. That will provide the reassurance that the regional signal is mostly or totally responsible for the warming and drying. The agency had the misfortune of beginning development of the cave at the same time Arizona entered the warm/dry cycle. Staff do not have really good data on what the developed cave looks like through warm cycles, dry cycles, wet cycles, cool cycles. Staff cannot really tell what contribution development has until there is a cool/wet cycle. If it remains at these high temperatures at that time, then it would appear that development of the cave is a factor as well.

Chairman Stewart asked whether the temperature could fall and the humidity could rise again.

Dr. Toomey responded affirmatively. He stated that there is evidence of that happening from time to time. A large influx of water into the cave allowed the temperatures to drop for a while until the water evaporated and then they began to climb again. It is also possible that there is some hint over the last few years that we may be reaching a new equilibrium point for the cave under the current conditions.

Chairman Stewart noted that the report indicates that the regional warming and drying are the primary causes of the change. She asked why that would be the primary cause.

Dr. Toomey responded that they are seeing warming and drying in undeveloped caves in the region. There is data from nearby caves that all seem to show warming and drying over the last 10 years that suggests that regionally the caves are getting warmer. Additionally, the surface weather stations at KCSP show about a degree difference. Currently, the annual temperature is sitting about 1 ½ degree more than it was sitting in 1989-1990. The caves respond to the surface annual temperature. It would not be surprising for half of this to be a direct result of the change in temperature seen at the surface weather station.

Mr. Cordasco asked where on the graph construction of the cave began.

Dr. Toomey referred to the graph where the tunnel breakthrough occurred in winter of 1996. About the time the warming/drying began picking up is when the tunnel breakthrough occurred; however, although the data is limited, the SP cave data from the Huachucas shows initiation of warming/drying at about the exact same time. It is difficult to understand these changes because the warming/drying really started in 1996-1997 timeframe.

Dr. Toomey referred to a graph detailing water levels in unpumped wells around KCSP. They are all unpumped water wells that are very shallow and extend into the alluvial on the side of the Whetstone Mountains. None of these wells penetrate the San Pedro aquifer or are affected by regional pumping. To illustrate how shallow and small these wells are, there was a level in one of the wells in 1991 that is almost 20' below the rest of the levels. This well, the Kartchner Well, was considered to be a possible water source for the park. Staff performed a 15 minute pump test, drew the well down 20', and it took 3 months for it to recover. These are very limited wells that are being fed by local water flow and are not communicating with regional aquifers. They are basically indicating how dry the dirt is.

Chairman Stewart asked if this means there would be a problem if there were development a few miles away.

Dr. Toomey responded that there may be other problems with development. In terms of water, they would not be drawing water from these aquifers. They wouldn't service more than a cattle tank. The wells for those houses would essentially penetrate into the San Pedro aquifer. The sustainability of the San Pedro aquifer is certainly an interesting issue. It is unlikely they would be able to draw into anything that would draw KCSP down because these aquifers tend to be very disconnected from each other.

Dr. Toomey noted that all of the downward trends in those wells begin in 1995-1996. Development of the cave is not affecting these water well levels.

Dr. Toomer referred to a graph depicting the rainfall history from 1990-9/15/2005. While people talk about this year as being a rainy year, things in southeastern Arizona have been largely adequate. It has not been that rainy. Compared to the last 3 years, there's been a noticeably nice monsoon. It is not an overly wet year; southeastern Arizona is nowhere near out of the drought. The winter rains did not deliver nearly as well as they did to the north and to the west of Tucson and Phoenix.

Dr. Toomey referred to a graph relating to temperature patterns in KCSP. He noted that in the past the coolest portion of the cave was 67° while the rest of the cave was 68°-69°. Now it is the warmest area of the cave. The question now is whether the Big Room will warm up enough to re-establish that or whether we are looking at a new equilibrium in the cave temperatures. We don't know the answer and it will be interesting to see which occurs and what the ramifications will be. It's part of the pattern we are seeing. Because so much of this appears to be driven by regional issues with an overprint of development, he's not certain what to recommend to fix it minus regional changes.

Dr. Toomey referred to a graph detailing CO2 readings 2001-2005. He noted that putting people in a cave can change the CO2 levels and can raise the CO2 levels in show caves with detrimental effects. At least over the last several years, there is no evidence of increased CO2 levels. He also noted that the data has become much better and much more dense over the last year. About a year ago staff were able to purchase a new method of reading the CO2 levels which took the cost from a couple of dollars per reading to just what it costs for the person to go out and do it. A meter was purchased that can take as many readings electronically as needed as opposed to having to purchase tubes to read the data. The Board needs to keep improving the monitoring system in order to get better data to better understand the system as new technology comes on line. Ultimately, it will save a lot of money. Paying \$500 to buy an instrument that can take data at 20 points weekly is more economical than paying \$5 per reading at two places in the cave once every two weeks. Over time, the meter pays for itself and provides more data. He encouraged the Board to continue in that direction.

Mr. Toomey referred to a graph relating to bat counts in the cave. He noted that this year's count fits nicely in the history of the cave. For a while it appeared that the bats were shunning the cave. This year the counts were low fairly late in the season. Until the monsoons really began, the bats didn't bother to come to KCSP. When the monsoons came and it rained, the bats poured back into the cave and the numbers went up. Things look very good.

Dr. Toomey discussed ongoing research. He stated that this research includes inventory, monitoring, some pure scientific, esoteric research that 12 people in the world actually understand, and some management-based research. It includes internal and external research and some joint projects that involve both internal and external parties. It involves partnerships, including the University of Arizona, Northern Arizona University, USGS, Arizona Game and Fish Department, individual researchers, other state agencies, federal agencies, and non-governmental organizations such as the Sonoran Institute and Luke Air Force Base. This research resulted in scientific publications in international journals, reports and recommendations to ASP for ways to improve operations. There needs to be ongoing research of various types.

Dr. Toomey then discussed his recommendations to the Board that included those for just KCSP to those agency-wide. These recommendations are his observations. He recommends that the Board maintain and continue to improve monitoring programs at KCSP and agency-wide. The Board needs to hire a strong candidate for the Science and Research Manager position at KCSP and base that position at the park. He understands that there are some very strong candidates for that position. He stated that the Board needs to recognize research, inventory, and monitoring as a core function of ASP and provide adequate support both in the areas of personnel and financial support. Doing those things will help ensure that the agency decision-making is science-informed. Dr. Toomey stated that he does not truly agree that there is "science-based" decision-making in the real world. There are so many other factors that have to be taken into account, including political, personnel, cost, etc., that the Board cannot just base its decisions completely on science. There has to be some compromise between what is the

best science, what is affordable, what the personnel can do, what the public will allow the agency to do, etc. They do need to be science-informed at the very least.

Dr. Toomey recommended maintaining the cave unit as an important link in cave protection, monitoring, maintenance and study. This was especially brought home to him this past week. He was in a meeting at Mammoth Cave National Park discussing proposals for re-lighting Mammoth Cave with the head of Science and Resource Management of the park and the park ecologist. The park ecologist said that the really good model is what they are doing at KCSP. The maintenance of lighting at Mammoth Cave are the same people who maintain the trucks, mow the lawn, change the lights in the visitor's center, and fixing the plumbing. They don't have knowledge of the cave and many don't want to go into the cave. Having a dedicated unit with that assignment really allows better decision-making. It was the park ecologist who raised KCSP as an example as to what the National Park Service should consider.

Dr. Toomey recommended maintaining and expanding ties to academic institutions such as the University of Arizona to give them opportunities for conducting research and give the agency to use their expertise in its decision-making. He recommended continuing to examine ways to reduce impact in tour operations. He recommended strong consideration of a limited closure of the Rotunda-Throne Room tour. That portion of the cave has been open for all but 8 days since 1999. At some point the Board needs to think about setting a time to close the cave for a while to both perform some maintenance and upgrades, but also just to rest that section and allow it to recover a bit from everyday use. The closure should last about a month, and it should be a regular occurrence – once every several years. It's been 6 years. There will be a loss of revenue; but it could be used as a good PR press event as a very responsible thing to do to protect the cave.

Mr. Porter suggested that it would be an opportunity to see what the results of a limited closure would be on humidity and temperature.

Dr. Toomey recommended that ASP remain strongly engaged with the cave management community by doing things like sending appropriate staff to the National Cave and Karst Management Symposia not only to learn new things but to present information on what's happening at KCSP to the rest of the caving community, maintain membership and participation in the National Caves Association (the show cave operators), and to both learn new things going on and to serve as an example to other cave managers. He recommended expanding education efforts as well.

Dr. Toomey recommended that the Board continue to apply high standards, science-informed standards at all of its parks in terms of education, research, and resource management and operations. He recommended that the Board continue to expand/improve/update information base on all the parks. PAMS is an incredible effort to expand/improve/update the information base in order to make better decisions. Finally, he recommended that the agency manage adaptively and use that information.

Chairman Stewart expressed the Board's appreciation for Dr. Toomey's scholarship and thought that he brought to the agency. He did a lot to raise the agency's prestige and

respect around the country and internationally. She expressed the Board's regret at losing Dr. Toomey, but noted that it's always nice to have a cheerleader in another part of the country. What Dr. Toomey has done here is what the Board hope to eventually expand agency-wide. During he tenure with ASP, Dr. Toomey not only encouraged high standards at the cave but in all resource management. That is exactly what the Board was interested in during the Strategic Plan meetings.

Dr. Toomey thanked the Chairman for her comments. He stated that he learned a lot at the agency. He learned an incredible amount about both the cave and about working within an agency. He came from a museum that was a marginal piece of the Illinois Department of Natural Resources. He really learned how to work within a broad agency at ASP. That experience will be very valuable working at Mammoth as well.

Dr. Toomey added that the Board needs to go to the legislature regarding the issue of out-of-state travel. It is robbing ASP of the ability to interact with people and get good information and having the ability for ASP to show off what it is doing and transport that information out-of-state to other agencies as well. Both are extremely important parts of that out-of-state travel and the ability to go to conferences, network with experts, get ideas for what has work or not worked at other caves, etc. It is very crucial.

Chairman Stewart thanked Ms. Tanna Thornburg and the committee for the excellent presentation on the PAMS project. It was very impressive. The committee has done a lot of work; it is something that the Board is very interested in.

D. BOARD ACTION ITEMS

- 2. Approve the Vision and Design** – Staff recommends that the Board approve the Vision and Design Plan.

Chairman Stewart noted that the Board is running out of time. She stated that there are a couple of issues with this document. No further discussion or action was taken at this time. It will be discussed in October.

- 3. Approve Publication of Proposed Rules in the Arizona Administrative Register** – Staff recommends that the Board approve the Proposed Rules for publication in the Arizona Administrative Register.

Chairman Stewart noted that she has three or four issues that she thinks will require some consideration by the Board and asked if this item could be postponed until the next meeting.

Mr. Siegwarth responded that staff are requesting permission to publish proposed rules.

Chairman Stewart noted that if substantial changes are made then the process must be started over. She believes there are some areas that might be considered substantial changes. She doesn't want staff to have to end up taking even longer.

Mr. Porter asked what the timeframe on this issue is.

Mr. Siegwarth responded that the change in the Rules is partially part of the Five Year Review. There is a situation at one park where people have essentially set up shop and

there is no Rule in place to evict them. It is causing a problem with the concessionaire. Pushing this off to October and publishing after that meeting would not allow the Board to address them again until January. It is a very lengthy process.

Chairman Stewart stated that she understood that, but delaying it one month might be better than having to go back and ultimately having to delay it 4-5 months. If the Board members can stay, some of these issues can be discussed.

Mr. Porter noted that he spoke with staff about changes he felt would be appropriate. His recitation of those changes would take about five minutes.

Chairman Stewart stated that she has a few changes and could run through them. Because they are policy issues, she believes that the Board needs to deal with them. The minor issues can be taken up with staff.

Mr. Porter suggested it might have been good to have taken up those issues with staff prior to today.

Chairman Stewart noted that she got the packet Thursday night and could not handle it because of other things she already had scheduled.

Mr. Scalzo suggested publishing these proposed Rules changes in order to get public comment and then, after that information is received, move forward.

Chairman Stewart stated that the problem is that if a substantial change is made to the Rule, it has to be re-publicized.

Mr. Scalzo suggested that only one Rule may be affected.

Chairman Stewart suggested discussing issues and concerns regarding the proposed Rules changes. She noted that it occurred to her regarding the definition of "Commercial Activity" on page 363 of the Board packet causes the most problem. While staff may solve one problem, three other problems may be created that staff are not aware of.

Chairman Stewart noted that she believes the last sentence of the definition of "Commercial Activity" will prohibit groups such as the Friends group at Oracle from having their meeting on the park property when they collect dues. She was at the opening where one of the members discussed their need for more funds. She wrote a check at the recent ASP Foundation event and gave it to the Oracle friends group. She believes that would be prohibited under this Rule. She asked if that is staff's intent.

Mr. Siegwarth responded that there have been many committee meetings on this subject. He believes it was agreed that that was included in the definition. Further on in the Rules there would be latitude for them to conduct business. It was a compromise.

Mr. Porter noted that he thought the Special Use Permits would cover that situation.

Chairman Stewart asked whether this would be a private special event. She referred to page 386, line 393 where it states that no solicitation of funds, offering to sell any goods or services, advertising, or receiving money in exchange for any item or activity takes place on property owned or managed by the ASP Board under a Private Special Event

Special Use Permit. The Friends asking for money at a meeting there would be prohibited by that section. They are soliciting donations. It would prevent a friends group from meeting on park property and collecting their dues and soliciting funds at functions on the park.

Mr. Siegwarth responded that those groups would fall under line 397, Public Special Event.

Chairman Stewart noted that not all of those events were open to the public. There have been invitation-only events held by the friends groups at parks. They would fall under the Private Special Event category. She is simply pointing out that this is something the Board needs to be aware of. The Board needs to decide if they want to do this. She doesn't want the Board to adopt this Rule and then realize that's not what they intended to do.

Mr. Porter stated that he thought that if the Board concurs the instruction to staff would be to redraft this in some fashion that would get around the problem and deal with it before it goes to the public.

Chairman Stewart responded that it creates a problem staff want to avoid. This is complicated. She appreciates the fact that staff spent a lot of time on it. She is raising her concerns because she does not want the Board to end up with something that won't be usable. She wants to be sure that everyone understands what this says and what the effect will be before the Board moves forward.

Mr. Winkleman stated that he was not sure he understood the problem. The Chairman has identified some that the Board agree is a problem.

Chairman Stewart responded that Mr. Ream can identify the problem. There are other groups staff do not want to solicit at parks.

Ms. Hernbrode suggested this might be a good time for the Board to go into another Executive Session for legal advice on this issue.

Mr. Porter made a motion that the Board go to Executive Session for legal advice on this issue. Mr. Winkleman seconded the motion. The motion carried unanimously. The Parks Board went into Executive Session at 1:30 p.m.

Chairman Stewart reconvened the meeting at 1:58 p.m.

Mr. Hays questioned whether this would prohibit things such as church groups or political rallies taking donations.

Chairman Stewart responded that it would if it's a private function.

Mr. Hays noted it would be better to have a designated area on the parks where groups could "do their thing".

Chairman Stewart stated that her point in raising this issue was to ensure that everyone knew what the Board is deciding on before going forward. It is complicated.

Mr. Ream reported that staff ran every test they could on it. It doesn't work perfectly for Ms. Statler and the Foundation; it doesn't work perfectly for him. However, had it

been his decision the agency would already have been in a lawsuit because he would have kicked the people out of Slide Rock State Park. He was ready to do it himself when this Rules requirement came up. This was a compromise that worked the best. The friends groups will have to do business differently than in the past. A business cannot be sustained on four days a year per quarter, even if it's a volunteer business. Hopefully, this would put the group currently operating at Slide Rock State Park out of business. Are there ways to tweak this so that friends groups can get under some of the Rules? Probably. Are there ways for this other group to tweak the Rule so they can exploit the agency a bit? Probably. This was the best staff could come up with.

Chairman Stewart stated that she was not necessarily opposed to it; she just wanted the Board to be sure they knew where they were going.

Mr. Winkleman left the meeting for a prior commitment at this point in the meeting (2:00 p.m.).

Chairman Stewart referred to page 367 of the Board packet, line 89: camping units and undeveloped areas are open to public use at all hours. Does staff really want to say that? It could mean that parks such as San Rafael that are undeveloped or Coal Mine Springs are open. She's not sure that "undeveloped areas" should be included; it may just be camping units.

Mr. Siegwarth stated that he considers San Rafael as a developed area. He believes the point is made for Sonoita Creek since it is an open area owned by the Board.

Mr. Ream noted that the change was made in order to change the operating hours at the historic parks for efficiency reasons, as was suggested at prior Board meetings, without changing the entire Rule.

Chairman Stewart noted that the Board will be adopting this entire Rule in this process.

Mr. Ream responded that staff can take a look at it and scratch that language.

Chairman Stewart suggested the Rule could read that the parks will be open during the hours posted. She's not sure this is a situation where one size fits all.

Mr. Porter stated he felt the Chairman's point is well-taken.

Mr. Ream noted that he has kicked people out of parks and written citations under this Rule. While people have been removed from day use areas at 10:00 p.m. but not from the camping areas is because those in the camping areas have paid for overnight camping.

Mr. Porter responded that the issue is not camping; the point is for the undeveloped areas. He believes that issue is open to some definition. There could be problems in that area.

Chairman Stewart noted the issue in B of temporarily restricting the hours to protect public safety or public property and to accommodate unusual or seasonal. That wording needs to be changed as well. It says that these seasonal things can be done on a temporary basis. If there are going to be certain hours during certain seasons every year, this Rule doesn't make that provision.

Mr. Ream responded that sometimes the temporary hours are on an as-needed basis.

Chairman Stewart noted the same issue on page 368. She asked whether staff really want to have all day use areas at all state parks open from 8:00 a.m. until 10:00 p.m. There are day use areas now at Tubac. She believes staff are boxing themselves in unnecessarily.

Mr. Ream noted that these Rules are more for enforcement purposes than otherwise.

Chairman Stewart suggested clearly posting what areas are open and the operating hours at the parks. The Rule should say that those hours will be posted at each park and that managers can, on a temporary basis, institute other hours for safety reasons and for protection of the property and that any person found in one of these areas can be cited.

Mr. Porter noted that there may some parks that staff don't want open until 10:00 p.m. This Rule says it must be open until 10:00 p.m.

Chairman Stewart referred to page 371, Payment of fees, line 149. She suggested eliminating the words "collected in one State Park" because the fees for the Annual Pass are frequently collected by mail.

Mr. Porter noted that was a concern he had as well. Staff came up with alternative language for that Rule.

Chairman Stewart responded that no language is needed if it simply says that a fee, unless exempted by a Pass, does not authorize . . . There is no need to say where it was collected.

Mr. Porter responded that he likes the idea of an indication that a fee collected at one state park does not authorize use of the facilities in another state park. He indicated that he would add the words in the first line where it says "without paying the required fee" adding the words "or possessing a valid current pass" and then striking the word "pass" in line 149 so it reads "A fee collected in one State Park does not authorize use of facilities in another State Park."

Chairman Stewart noted that one can have a fee for a pass collected at one state park. It doesn't quite solve the problem. The easiest way to solve it is to just eliminate the words "collected in one state park". She requested staff to take a look at it. She believes the intent is clear.

Chairman Stewart referred to page 373, line 187. She is not sure if there is a potential legal problem with, "The long-term stay provision shall not apply to a visitor using the camping unit as a principal place of residence while employed in the area."

Mr. Porter noted that he raised that issue with staff and has alternative language. The new language would say, "The long-term stay provision shall not apply" would be stricken in favor of, "A visitor using the camping unit as a principal place of residence while employed in the area is not eligible for any additional extension," referring to the additional 14-day extension. They would be limited to 15 days the same as anyone else and do not get the advantage of the additional 14 day extension.

Chairman Stewart suggested eliminating that sentence entirely. She believes a new problem might be created by making this change.

Mr. Porter responded that he would not have a problem with doing that, either.

Chairman Stewart noted that there isn't any reason to have the long-term stay provision does not apply to a visitor in the camping area as a principal place of residence. Then the same rules apply to everyone.

Mr. Siegwarth stated that there is a situation of a family staying at Lost Dutchman State Park. They are getting their mail delivered at the park. Park staff were having a hard time evicting them while allowing everyone else to stay. The staff were trying to force these people to make changes. They had children; it was summer. It was not a good place for these children to be hanging.

Chairman Stewart noted that that is not a reasonable basis for discriminating. If other people are allowed to stay longer it becomes a serious legal problem. This is another Rule that no longer passes the legal muster.

Mr. Ream agreed. That sentence will be deleted.

Chairman Stewart referred to line 199, "The occupants of a single vehicle may be allowed to register for more than one camping unit only if their number exceeds the posted occupancy limits for the facility." She sees no reasonable basis for that Rule. If four people come in the same vehicle, or eight people, and want to rent two different campsites and pay the fee, she doesn't see any worldly reason why the Board would require a vehicle at every campsite.

Mr. Ream responded that the new Fee Rules should take care of that. So many adults are permitted per camping vehicle.

Chairman Stewart noted that there is no requirement to have that many people. This Rule appears to say that they are not allowed to have two campsites if there is only one vehicle.

Mr. Ream responded that this Rule came about because during Spring Break students would meet their friends and continue to bring people in at Buckskin State Park to camp at their sites after the camp sites were closed down. The idea was to try to limit the number of people.

Chairman Stewart stated that this Rule does the opposite. It doesn't allow for fewer people to be in a campsite. It says that if there is one vehicle and if there aren't enough people to exceed the limit, they can't have two campsites. She doesn't see any reason to have that Rule. She believes it needs to be eliminated.

Mr. Siegwarth noted that it also addresses the issue of someone coming in with eight people and having just one person stay at each campsite to fill it up for their "gang".

Chairman Stewart asked what difference it makes if they've paid the fee. If there are four people in a vehicle and each wants a separate campsite and pay the fee, there is no reasonable basis for the agency to say that all four people have to sleep in the same campsite because they came in the same car. It's absurd.

Mr. Siegwarth explained that if one were in a line of 40 cars and there were only 20 campsites and the first two cars go in and take all the sites, it would cause a lot of people to be upset. Staff are not trying to be absurd.

Mr. Porter suggested having some flex room by putting some language in the Rule that permits a waiver of that Rule by the Director or his designated representative.

Chairman Stewart responded that that would be worse. It's more complicated. She believes that this is very questionable legally.

Mr. Porter stated that he didn't see anything wrong legally with it, he just questioned whether it should be done as policy.

Chairman Stewart noted that there needs to be a reasonable need for a policy.

Mr. Porter responded that he believed the Rule is saying that we want to prevent a group from tying up an entire park camping area.

Chairman Stewart noted that, on the other hand, we are encouraging people to drive more cars.

Mr. Ream noted that the Reservation System could take care of this issue.

Chairman Stewart stated that she believed this is something staff need to give serious consideration to.

Mr. Porter suggested that this is an issue where staff need to find out what the Board wants to do so they know what to do – make a change or not.

Mr. Ream noted that he misinterpreted it the first time he read it. Staff run scenarios through the Rules. If the Board wants to change it now, that would be fine. Staff will pull back and see if it will work. If it doesn't, then staff will request the Board to change it again.

Mr. Porter suggested that staff need to know if a majority of the Board want to change it.

Mr. Scalzo stated that he has no problem with the way staff changed it; he likes the change. It is a common sense approach. It's clear.

Chairman Stewart noted that it didn't appear anyone other than she was concerned about this particular Rule.

Chairman Stewart referred to page 380 of the Board packet, Weapons. She asked if this means people can bring firearms into the park.

Mr. Ream responded affirmatively.

Chairman Stewart asked if staff want to allow that.

Mr. Ream responded affirmatively. He explained that this agency has become the model for many park system with this particular Rule on how parks handle weapons in parks. First, hunting is permitted in an Arizona state park. It is allowed. Therefore, weapons are permitted. In most of Arizona people are permitted to carry a gun just

about anywhere they want; the weapons just cannot be concealed. Staff have been able to eliminate weapons from special events and in the campgrounds. So far it has stood up to Rules and has been copied by other parks agencies in the state. Staff do not call a great deal of attention to this Rule because we strictly use voluntary compliance in its enforcement. Using Picacho Peak State Park and the Civil War Re-enactment as an example, because there are other guns on the premises, all weapons have been eliminated from that area. People are asked to leave their weapons inside their cars. The same is done during special events and in the campgrounds because it gives pause to many out-of-state guests when Arizonans walk around with guns on their hips. The agency has never been challenged on this and so far the Rule has been used successfully.

Chairman Stewart referred to item D and asked if staff want to continue to allow hunting on all of the parks.

Mr. Ream responded that the agency relies on the Game and Fish laws and park staff are authorized to cite under those laws.

Mr. Scalzo added that county and regional parks all abide by that as well.

Chairman Stewart asked if the Special Use Permits requires a time frame. There is a Rule that says any time an agency is issuing a license or permit they must establish a time frame in which to make a decision.

Chairman Stewart referred to page 386, line 367. Rather than saying "other entities" it should probably read, "another entity". Otherwise it would only apply if there were more than one entity.

Chairman Stewart referred to page 388, the first line talks about compliance with the Arizona State Parks Board Sponsorship policy. To her knowledge there is no Sponsorship policy. There cannot be Rule for something that does not exist.

Chairman Stewart referred to page 389 and noted that staff need to define what "undue safety hazard" means. She suggested deleting the word "undue".

Chairman Stewart referred to page 392, under B it uses the phrase "and/or". The GRRRC staff will kick that back. Under B.1., the third line says, "The initial submission should be" won't be allowed, either. Rather than "should" it has to say "may" or "must". On page 393, paragraph a., it says "thirty (30) days of". It needs to state whether it is before or after. The same change needs to be made under section b.

Mr. Porter noted that throughout all of these staff have made the correction repeatedly of replacing "the Director or their representative" with "the Director or the Director's representative".

Mr. Porter referred to page 386, the last line of Section A is missing the word "for" before the word "which" so it will read, "... a purpose different from that for which it was designed."

Mr. Porter referred to A.1.b. on page 386, "No Special Use Permit will be issued that conflicts with an exclusive right that has been conferred by a concession agreement or

contract” the words “without the advance written approval of the concessionaire or agreement holder” will be added.

Board Action

Mr. Scalzo: I move that the issues raised by the Board and suggested for change be adjusted by staff; otherwise, all the others be approved.

Mr. Porter seconded the motion. The motion carried unanimously.

E. EXECUTIVE STAFF UPDATES

1. Appointment to Invasive Species Advisory Council

There was no discussion on this item.

2. 15th International Congress on Caves

There was no discussion on this item.

3. Historic Parks – Capital Expenditures

There was no discussion on this item.

4. Update on Climbing Park

There was no discussion on this item.

5. ADEQ Update

There was no discussion on this item.

G. EXECUTIVE SESSION – Upon a public majority vote, the Board may hold an Executive Session which is not open to the public for the following purposes:

- 1. To discuss or consult with its legal counsel for legal advice on matters listed on this agenda pursuant to A.R.S. §38-431.03 (A)(3), including:**
 - a. Mabery Easement Dispute Litigation**
 - b. San Rafael Conservation Easement**
- 2. To discuss or consult with its legal counsel in order to consider its position and instruct its attorneys regarding the Board’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. §38-431.03 (A)(4)**
 - a. Mabery Easement Dispute Litigation**

Ms. Hernbrode stated there was no need for the Board to go into Executive Session for the items listed.

H. ACTION ITEMS FROM EXECUTIVE SESSION

- 1. Mabery Easement Dispute Litigation**

2. San Rafael Conservation Easement

I. ASSISTANT ATTORNEY GENERAL DISCUSSION ITEMS

1. Discussion of Attorney General Opinion 105-004 Open Meeting Law Requirements and E-Mail To and From Members of a Public Body

There was no discussion on this item due to time constraints.

J. CALL TO THE PUBLIC

There was no public present wishing to address the Board at this time.

K. TIME AND PLACE OF NEXT MEETING AND CALL FOR FUTURE AGENDA ITEMS

1. The Board will discuss location for the next meeting to be held on October 20, 2005.

Chairman Stewart noted that the Board had discussed and agreed to meet at Alamo Lake State Park. The idea was to meet at the park and put up a tent. The Board was unable to meet in the Verde Valley earlier in the year due to budget meetings in Phoenix.

Mr. Travous recommended that the Board meet in Tucson because the open house meetings begin tonight on the changing the boating allowed at Patagonia Lake State Park that will affect the people in Tucson. That's where the majority of boating on Patagonia Lake comes from. To have a meeting where the Board could take away some people's rights by not having it physically near to them could cause the Board problems.

Chairman Stewart disagreed. She stated that Board had their meeting at Patagonia. Two weeks prior to that the Agenda was posted at the Post Office that included the action the Board was planning to take. There are three public meetings scheduled to receive public comment; one is at Catalina, one is at Tubac, and one is at Patagonia. The Board will be receiving a transcript of those hearings that will tell the Board what people have said. People can send in their written comments. People can come to the hearings and listen to the Board's deliberations. Basically, the time for the public comment is at these three meetings. The Board initiated that action at Patagonia where it will occur. She is concerned about the fact that there are people up north and the Board hasn't gone to some of the parks up there. The Board missed its meeting in the Verde Valley. The rangers at Alamo would really like to see the Board; the Board has never met there.

Mr. Hays asked whether the Board could meet at Alamo later in the year.

Chairman Stewart noted that the November meeting is scheduled for Yuma. The Board hasn't been there for about five years.

Mr. Travous stated for the record that his suggestion was that the Board meet in Tucson so if the public gets angry, he doesn't want that to be the issue.

Chairman Stewart stated that the Board has given a lot of opportunities for public comment. She believes that the important thing is that the Board get those comments and have an opportunity to read them and that the Board do carefully read them and take them into consideration. She does not believe the Board will spend three hours receiving public comment. If the Board needs to do that, then a special Board meeting needs to be scheduled. The Board has a full agenda for October.

Mr. Hays suggested that it may be a good idea to have a special meeting in Tucson, knowing the Tucson newspapers and their attitude. That is their only body of water and the Board is cutting them off from it.

Mr. Travous noted that the first newspaper article was in today's Tucson paper. There was no editorial; it was just an announcement that the meetings are beginning tonight. The news release went out a few days ago.

Mr. Hays asked if staff could get a feel for it in time to hold a meeting in Tucson in October if necessary.

Chairman Stewart stated that it would need to be a separate meeting. She suggested the Board plan for its regular meeting to be held at Alamo as planned. If a special meeting needs to be set, then the Board will see when it can go to Tucson. If the purpose of the meeting is to deal with that issue, the Board will not be able to deal with anything else.

Mr. Scalzo noted that he would not be able to attend the October 20th Board meeting.

Chairman Stewart asked if staff would have a tent set up at the park for the Board meeting.

Mr. Travous responded that staff would have something set up. He suggested that it would be helpful if the meeting could start a little later in the morning.

2. Board members may wish to discuss issues of concern and request staff to place specific items on future Board meeting agendas.

Mr. Porter requested that the issue of special use at San Rafael be included on the October agenda.

Chairman Stewart noted that she understands that things are going fairly smoothly right now.

Mr. Ream added that staff are on the ground today.

L. ADJOURNMENT

Mr. Porter made a motion to adjourn the meeting. Mr. Scalzo seconded the motion. The meeting was adjourned at 2:40 p.m.

Pursuant to Title II of the Americans with Disabilities Act (ADA), Arizona State Parks does not discriminate on the basis of a disability regarding admission to public meetings. Persons with a disability may request a reasonable accommodation, such as a

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sign language interpreter, by contacting the ADA Coordinator, Nicole Armstrong-Best, (602) 542-7152; or TTY (602) 542-4174. Requests should be made as early as possible to allow time to arrange the accommodation.

SUBMITTED BY:

Kenneth E. Travous, Executive Director

APPROVED BY:

Elizabeth Stewart, Chairman